IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14708 of 2004

Between:

Alapati Ramesh Kumar, s/o Narayana Murthy,
r/o Ponnuru, Guntur District.

..... PETITIONER

AND

1 Joint Collector & Licensing Authority (Cinemas), Guntur District, Guntur.
2 Revenue Divisional Officer, Tenali, Guntur District.
3 Mandal Revenue Officer, Ponnuru Mandal, Ponnuru,
Guntur District.
4 Alapati Venkata Naga Radhakrishna Murthy, s/o Narayana Murthy,
Presently r/at Care Little Princess Beauty Clinic, Brindavan Gardens, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the inaction of the 1st respondent Joint Collector in not taking action against the 4th respondent herein in spite of Court orders passed in OS No.65/2003 on the file of Senior Civil Judge, Bapatla and in not disposing the petitioner's representation dated 7-2-2004 as illegal, null, void and arbitrary

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court made the following :

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ORDER:

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The petitioner claims to be the joint owner of the cinema Theatre called Murthy Mahal situated at Ponnuru in Guntur District. It is stated that the license under the A.P. Cinema Regulation Act and Rules to run the said theatre was issued in the name of the 4th respondent, who is the brother of the petitioner. However, the said license has already expired. In spite of the same, the 4th respondent has been running the theatre. The petitioner also states that O.S.No.65 of 2003 filed by the petitioner in the Court of the Senior Civil Judge, Bapatla has been decreed on 16-12-2003, whereunder the licensing authority was restrained from renewing the license in favour of the 4th respondent herein.

The grievance of the petitioner is that in spite of the fact that the petitioner made a detailed representation before the licensing authority and requested to take necessary steps in accordance with law, the 1st respondent failed to take any action. Hence this writ petition seeking a declaration that the in action on part of the 1st respondent, is arbitrary and illegal.

Having heard the learned Counsel for the petitioner, and the learned Government Pleader for Home appearing for the respondents 1 to 3, without expressing any opinion on the allegations made by the petitioner, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to consider the representation of the petitioner dated 7-2-2004, and to pass appropriate orders in accordance with law as expeditiously as possible after affording due opportunity to the 4th respondent as well as all the persons concerned.

The writ petition is disposed of accordingly. No order as to costs.

19-08-2004

Note: Issue C.C. in three days.

B/O

sh/klp

To

1 Joint Collector & Licensing Authority (Cinemas), Guntur District, Guntur.
2 Revenue Divisional Officer, Tenali, Guntur District.
3 Mandal Revenue Officer, Ponnuru Mandal, Ponnuru, Guntur District.
4. 2CCs to the Government Pleader for Home, High Court Buildings, High Court of Andhra Pradesh, Hyderabad.(out)

5 2CD copies

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 19-08-2004